

106.11 Pre-Acceptance List (PAL) of Materials and Sources.

106.11.1 Description. A PAL will indicate material products or sources that have complied with all pre-approval requirements for a specific material and will indicate a source's commitment to continued compliance with applicable contract documents.

106.11.1.1 Required PAL. For material acceptance based on PAL approval, the material shall be in full compliance with Sec 106.11 and all applicable contract documents for the material and shall be certified as such by the source of the material. Random sampling of the material will be conducted by the engineer to verify if the material is in compliance with the applicable specifications. Material on a PAL may be used on a project by the contractor prior to the engineer receiving random sample test results.

106.11.1.2 Optional PAL. For some material, inclusion on a PAL will be optional. For optional PAL material acceptance, a material listed on a PAL will be accepted and allowed to be used in accordance with these specifications for PAL material. Material not listed on a PAL will be subject to sampling and testing as required by the engineer, and acceptance will be based on test results, as well as certifications and all other specified requirements set forth in the contract documents, all prior to use of the material.

106.11.1.3 Definition of Terms. The terms as defined below will apply only to Section 106.11 and its subsections.

Source. The manufacturer, supplier, fabricator, source or any other entity that is listed on a PAL as the provider of that specific material or product.

Intermediate Agent. A supplier of a PAL material, but who is not listed as the source of that specific material or product on the PAL.

106.11.2 Application for Placement on PAL. A source may propose a material for PAL inclusion by submitting the information required in these specifications and other applicable contract documents, along with any required samples to Project Operations. The application shall include the following in a written document with attachments as needed:

- (a) Completed "Prequalified List Inclusion Request" form.
- (b) A full description of the material, how it may be identified and the applicable specification it meets.
- (c) A copy of the MoDOT specifications with all applicable sections clearly identified.
- (d) A statement by the applicant that they understand the specification, the intended material usage, and that the submitted material is suitable for that application.
- (e) A statement that the material meets the current specification and will not be changed from that submitted without proper notification, nor supplied for non-applicable specifications.
- (f) A statement whereby the applicant acknowledges that any supply of the material for other than the agreed use, any supply of non-specification material, or any misuse of the material on the project for any reason, may be reason for PAL removal.

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- (g) Summary of test results representative of the source's production.
- (h) All documentation required by the applicable MoDOT specification or any other applicable contract documents.

106.11.2.1 Consideration of a material for PAL inclusion will be based on compliance with this specification or other applicable contract documents, compliance with the appropriate material standards, the materials history and any other applicable criteria. Submittal of a request for PAL inclusion will not guarantee approval.

106.11.3 Material Term on a PAL.. Upon approval, the material will remain on a PAL for three years, provided the material's name, formulation and properties have not changed, the specification requirements have not changed or the material or source has not been removed from the PAL for non-compliance reasons.

106.11.3.1 Material Reapplication on a PAL. During the last 12 months of a material's term on a PAL, the source shall reapply for placement on the PAL in accordance with Sec 106.11.2. No term expiration notification will be sent to the source, and it shall be the source's sole responsibility to initiate reapplication.

106.11.3.2 Material Updates. Any name, source or physical or chemical property changes to the material shall be submitted in writing and approved by Project Operations prior to use of the revised material. All physical or chemical changes to a material to meet new or updated specifications shall be accompanied by identifiable name or identification changes, including revisions of any pertinent product information and certifications affected by the change. This information shall be provided in addition to the documentation required under Sec 106.11.2. When an update is properly submitted and approved, it will be considered the same as a PAL reapplication, and the expiration date will be extended for three years from the date the changes were approved.

106.11.4 Material Removal from a PAL. The source for a material shall be responsible for ensuring all users are adequately informed and monitored to ensure proper material sampling and usage. Any material proposed for use after removal from a PAL, including use on existing contracts, will not be accepted by PAL methods. Unless stated otherwise, material removed from a PAL for reasons other than failure to re-apply will not be considered for reinstatement until one year after the date of removal. A material may be removed from a PAL for any of the following reasons.

106.11.4.1 Material and sources may be removed immediately from a PAL based on the discretion of Project Operations, for reasons including, but not limited to, failure of material to meet specifications, falsification of any documentation, lack of response by the material's approved source, unsatisfactory performance in the field or other reasons indicating lack of consistent material quality or suitability.

106.11.4.2 Materials that fail more than one random sample test in any 12 month period, for whatever reason, including improper manufacture, improper sampling, or improper supplier or contractor mishandling, will be subject to removal immediately from the PAL without recourse.

106.11.4.3 If a reapplication in accordance with Sec 106.11.3.1, as determined by postmark, is not received prior to the material's termination date, the material will automatically be removed

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from the PAL at the end of the material's term. For reinstatement of these materials to a PAL, the source shall submit an application in accordance with Sec 106.11.2.

106.11.4.4 Materials that have not been documented as being used on MoDOT projects in any three consecutive years will be removed from a PAL. Once removed, a material will not be reinstated until substantial evidence of recent satisfactory use is provided and specific intended use on MoDOT work is established. No other time suspension will apply for considering reinstatement of these requests.

106.11.4.5 Any material or source removed from a PAL twice for any reason in any two-year period will be subject to permanent removal, with a minimal suspension of three years.

106.11.4.6 If a source has more than two materials removed from a PAL in any three-year period, all material from that source may be subject to removal from all PALs.

106.11.5 Reinstatement of a Material on a PAL. Consideration of reinstatement of a material once removed from a PAL will be no sooner than specified under Sec 106.11.4, will require a written document from the source stating the reasons for removal of the material from a PAL, the action taken to correct those deficiencies, written concurrence from Project Operations that the problem has been suitably addressed, and followed by an application in accordance with Sec 106.11.2 for PAL approval.

106.11.6 Source Certification and Guarantee. Material to be accepted by the engineer under PAL approval shall include a source's certification, which may include certified test results, and guarantee accordance with the applicable material specification in the contract documents. The written documentation shall also certify that the material is the same material as shown on the PAL and indicate the specific date of approval. If the source is different from the manufacturer or supplier of the material, a manufacturer and supplier's certification shall also be furnished to the engineer identifying the material and stating that the material meets all contract document requirements for the specified intended use.

106.11.7 Notification of PAL Material Delivery. Prior to delivery to the job site, the manufacturer, supplier, producer, wholesaler, shipper or contractor representative shall notify Project Operations by mail, fax or electronically of impending shipment of PAL material. The source shall ensure that any intermediate agent of their approved PAL material carries out the required notification. This notification shall include, at minimum, the following:

- (a) The specific contract number.
- (b) Line number for which the material will be used.
- (c) Type and quantity of material.
- (d) Date of expected delivery to the job site.
- (e) Brand and manufacturer name of the material.
- (f) Source certification and guarantee.
- (g) Any other information specified in the contract documents.

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106.11.7.1 All of the above information shall have been received by Project Operations five working days prior to delivery of the material to the job site. No material shall be used on the project until Project Operations approves such use.

106.11.7.2 Upon approval, the source of the notification of material delivery will be informed that the material was approved and an identification number for that specific material will be provided. This identification number shall be attached to the material to be delivered to the job site. Material received without the identification number attached will not be allowed to be used on the project.

106.11.8 Sampling of Material. Sampling shall be performed under the observation of a MoDOT representative. The source shall provide instructions for proper sampling of that material. The source shall be solely responsible for proper sampling, unless stated otherwise by Project Operations.

106.11.9 Intermediate Agent Responsibility. Any intermediate agent supplying PAL material to a supplier or contractor shall be responsible for proper handling, storage, sampling (if required to be performed by the agent) and delivery, including notification of PAL material in accordance with Section 106.11.7. If it is determined the intermediate agent is negligible in performing any of these specified tasks, the agent may be immediately denied as an intermediate source for the PAL material without recourse and may be held responsible for material failure in accordance with Section 106.11.10. If an intermediate agent is disapproved as a source of a PAL material by Project Operations, that agent will not be reconsidered as an intermediate source of any PAL material until one year after the date of removal as an intermediate source of PAL material. Reinstatement will require a written document from the agent stating the reasons for removal as an intermediate source for PAL material, action taken to correct those deficiencies, and written concurrence from Project Operations that the problem has been suitably addressed and that the agent is approved as an intermediate source of PAL material.

106.11.10 Contractor PAL Use. The contractor may obtain a list of approved PAL material by contacting Project Operations or by referring to MoDOT's website. Use of a PAL material shall not relieve the contractor or supplier of any responsibility to provide an inspected and approved material meeting all requirements of the contract documents. All material will be subject to sampling and testing at any time, and complete certification and guarantee documentation shall be received by the engineer prior to material use. All material specifications apply, including specifically Sec 106.1 regarding use of unsatisfactory material.

106.11.11 Responsibility for Material Failure. When material has been incorporated into the project and fails any specified tests, and the engineer determines that some remedy is required, up to and including removal and replacement of the affected project components, Sec 106.7 shall apply to that material. The use of this material on all other projects shall be suspended until notified otherwise by Project Operations.